

AMENDMENTS TO CLAIMS

Agent for Applicant respectfully requests the following amendments to the claims without adding any new subject matter, namely:

1. [Thrice Amended]

A floor panel for elevated floors comprising:

- 102
4561 232
Inter-high wear film
with vinyl flooring
see 6141 res 59-64
- (a) a base ¹²comprising ^{14, 16}two spaced pieces of metal joined together to present an outwardly extending flange, one of said pieces providing a planar load bearing surface;
- (b) an inner planar floor covering adhesively secured to said load bearing surface of said one of said metal pieces;
- (c) an outer planar floor covering adhesively secured to said inner floor covering and co-extensive with said flange so as to present a border along the edge of said inner floor covering, said border includes a high wear film.
- Color orange

X 2. [Twice Amended]

A floor panel as claimed in claim 1 wherein said [outer floor covering presents a decorative surface] inner floor covering presents a high wear film between said inner and outer floor panels, and on said border.

X 3. [Amended]

A floor panel as claimed in claim 2 wherein said inner floor covering presents another decorative surface.

102
4. [Twice Amended]

A floor panel as claimed in claim 1 wherein said border includes an edge lying in the same plane as said inner panel.

5. [Thrice Amended] A floor panel as claimed in claim 1 wherein said inner floor covering presents a high wear resin film between said inner and outer floor panels wherein said inner floor covering is comprised of high pressure-laminate.

6. [Amended] A floor panel as claimed in claim 5 wherein both inner and outer floor coverings include a high wear film.

7. [Thrice Amended] A floor panel for an elevated floor comprising:

- 615 file
15
method
- (a) a rectangular base structure comprising an upper metallic surface spaced from and spot welded to a lower metallic surface to define an outwardly extending flange adapted to be supported at the corners of said flange, said upper metallic surface providing a planar load bearing surface;
- (b) rectangular planar inner floor covering co-extensive with said planar load bearing surface of said upper metallic surface and adhesively secured thereto;
- (c) a separate rectangular planar outer floor covering secured to said inner floor covering, said inner floor covering extending beyond said outer floor covering so as to present a border along said peripheral edge of said inner floor covering wherein said border includes a high wear film.

8. [Amended] A floor panel as claimed in claim 7 wherein said inner floor covering presents a dark surface, and said outer floor covering presents a decorative surface.

102
interest
9. [Twice Amended] A floor panel as claimed in claim 1 wherein said outer floor covering presents an outer clear resin film.

X 10. [Thrice Amended] A floor panel for an elevated floor comprising:

- (a) a rectangular base structure adapted to be supported at the corners thereof; said base structure providing a load bearing surface;
- (b) a rectangular inner floor covering having a [?]dark surface co-extensive with said rectangular base and adhesively secured thereto;
- (c) a separate rectangular outer floor covering secured to said inner floor covering, said inner floor covering extending beyond said outer floor covering ^{covering} so as to present a border along said peripheral edge of said inner floor covering;
- X (d) wherein said inner floor covering presents a high wear film between said inner and outer floor panels, and said border presents a high wear film.

103
11. [Original] The combination of a plurality of panels as claimed in claim 7 in abutting, edge to edge contact to as to present an elevated floor.

X 12. [Amended] A floor panel as claimed in claim 10 wherein said rectangular base structure is stamped from sheet steel.

X 13. [Thrice Amended] A method of producing a floor panel for an elevated floor comprising the steps of:

- (a) cutting a rectangular planar ¹⁵outer floor covering, said outer floor covering including a top wear

surface, and an adhesive surface opposite said top wear surface;

- (b) applying an adhesive to said adhesive surface;
- (c) inserting said outer floor covering into a framed jig adapted to receive and retain said outer floor covering in a desired position with said top wear surface inserted first into said jig;
- (d) cutting a rectangular inner floor covering, said inner floor covering extending beyond said outer floor covering so as to present a border along said peripheral edge of said inner floor covering relative said outer floor covering, said inner floor covering including a top and bottom surface;
- (e) applying an adhesive to said top and bottom surfaces of said inner floor covering;
- (f) inserting said inner floor covering into a framed jig adapted to receive and retain said inner floor covering so as to contact and adhesively secure the inner floor covering to said adhesive surface of said outer floor covering and present a border along the peripheral edge of said inner floor covering;
- (g) applying an adhesive to a planar rectangular load bearing surface presented by a base structure;
- (h) inserting said planar rectangular load bearing surface of said base structure into said framed jig

so as to secure said base structure to said inner floor covering so as to produce said floor panel;

(i) removing said floor panel from said jig.

14. [Original] A method as claimed in claim 13 including means for adjusting the size of said border.

15. [Original] A method as claimed in claim 14 including means for levelling said outer panel.

16. [Original] A method as claimed in claim 15 wherein said levelling means comprises suction means.

17. [Original] A method as claimed in claim 16 including means for ejecting said floor panel from said jig.

18. [Original] A method as claimed in claim 17 wherein said ejecting means comprises a plurality of rams for ejecting said floor panel.

19. [Original] A method as claimed in claim 18 wherein said adhesive comprises a resin based adhesive.

20. [Original] A method as claimed in claim 13 further including the step of pressing said floor panel after said removal step.

X21. [New] A floor panel as claimed in claim 10 wherein said high wear film comprises a clear resin film.

Kindly note that the claims have been amended so as to focus on:

1. the border includes a high wear film
2. the inner floor covering presents a high wear film between the inner and outer floor panels;
- 3 the base comprising two spaced pieces of metal joined together to present an outwardly extending flange;
4. the inner floor panel covering presents a resin film between the inner and outer panels;

WITHDRAWAL OF ALLOWABLE SUBJECT MATTER

Examiner stated that claims 10-20 were withdrawn in view of a more careful review of the references to Gibson.

In this regard Agent for Applicant respectfully states that Gibson teaches:

...a single piece of floor covering 12 is adhesively bonded to the body 13---
(see col. 3, lines 18-20)

...the floor covering 12 is scarfed or cut away along its edge at 33 to a depth which **removes the clear resin layer 22** and a decorative layer 23 to expose one of the black **paper** layers (see col. 3, lines 45-49)

Furthermore Applicant states:

since the floor panel comprises of **two pieces** of high-pressure laminate material 8 and 10 which are adhered to one another, the border 30 is much more durable than that shown in U.S. Patent No. 4, 625,491 (Gibson). In particular the inner panel 8 may have a **high wear film on the top surface of the margin 30** (in other words on the surface between the inner and outer panels 8 and 10 respectively) which is highly resistant to moisture failure or the like. This is **in contrast** to the edge produced by U.S. Patent No. 4,625,491 where the laminate surface is **cut so to expose** the colored black paper which is not as highly resistant to moisture or failure as that used in the invention herein (see page 7, line 33; page 8, line 7).

Furthermore **the border includes a high wear surface** and does not expose paper layers lying within the HPL (see page 10, lines 26-27).

35 U.S.C. § 102

Examiner stated that claims 1-4, 7-8 and 11 were rejected as being anticipated by U.S. Patent No. 3,548,559.

In particular Examiner stated that Levine discloses the use of a floor panel including a base (4) having a planar load bearing surface (colored red), an inner planar covering (6) adhesively secured to the base structure (4), and outer planar floor covering (12) adhesively bonded to the inner floor covering (6).

In this regard Agent for Applicant respectfully states that Levine does not teach:

a base which comprises two spaced pieces of metal joined together to present an outwardly extending flange where the inner planar floor covering is adhesively secured to the load bearing surface of one of the metal pieces.

Rather Levine teaches:

upper and lower sheets 2 and 4 are preferably metal (see col. 1, lines 64-65)

with **one** thread surface 12 adhered to the top surface of the upper sheet 6. In other words Levine teaches only 1 floor covering surface 12 while Applicant teaches the use of two floor panels which are adhered to the two spaced metal pieces.

Furthermore Levine does not teach:

1. the border includes a high wear film'
2. the inner floor covering presents a high wear film between the inner and outer floor panels;
3. the base comprising two spaced pieces of metal joined together to present an outwardly extending flange;

4. the inner floor panel covering presents a resin film between the inner and outer panels.

35 U.S.C. § 103

Examiner stated that claims 5 and 6 were rejected as being unpatentable over Levine in view of Gibson.

In particular Examiner stated that Levine discloses the basic claimed floor panel as described above except for the inner/outer floor coverings specifically being a high-pressure "laminate". Furthermore Examiner stated that Gibson teaches that it is well known in the art to provide a floor panel (1) with an inner floor covering (I) represented by (23, 26, 27, 28, 29, 31, 32), and an outer floor covering (O), represented by (22), wherein the members (22) and (23, 26, 27, 28, 29, 31, 32) of the inner (I) and outer (O) layers; respectively, are impregnated throughout and therebetween with a resin to form a high-pressure laminate (see col. 2, line 48 and col. 3, lines 33-44).

Applicant states that Gibson teaches:

as best illustrated in Figure 4, the floor covering 12 is **scarfed or cut away** along its **edge** at 33 to a depth which **removes the clear resin layer 22** and the decorative layer 23 to expose one of the black paper layers... (see col. 3, lines 45-49).

Applicant on the other hand claims:

1. the border includes a high wear surface or film
2. where the inner floor covering presents a high wear film between the inner and outer floor panels

this is in contrast to the edge produced by U.S. Patent No. 4,625,491 as taught by Applicant where:

the laminate surface is cut so as to expose the coloured black paper which is **not as highly resistant** to moisture or failure as that used in the invention herein (see page 8, lines 5-7).

Moreover Examiner rejected claim 9 as being unpatentable over Levine in view of Gibson. Examiner states that Levine discloses the basic claim structure except for the reference to the resin being clear. Examiner further states that Gibson teaches that it is known in the art to form an outer floor layer (22) from a clear resin. In this regard, Agent for Applicant respectfully states that Gibson does not teach:

1. the inner floor covering presenting a high wear film between the inner and outer floor panels
2. border includes a high wear surface
3. a border which presents a high wear film.

Furthermore Examiner rejected claim 10 as being unpatentable over Gibson. Examiner stated that Gibson discloses the basic claim structure except for exclusively detailing that there is a clear resin film between the inner and outer floor coverings. Furthermore Examiner stated that the inner and outer floor coverings are impregnated throughout therebetween with a resin, with there obviously, at the time the invention was made, being a clear resin film formed through and between the inner and outer floor coverings. In this regard, Agent for Applicant respectfully states that Levine does not teach:

1. the inner floor covering presents a high wear film between the inner and outer floor panels
2. the border includes a high wear surface
3. a border which presents a high wear film.

Furthermore Examiner rejected claim 12 on the basis that it would have been obvious to one having ordinary skill in the art to form the base of Gibson out of steel as taught by Levine. In this regard Agent for Applicant respectfully states that neither Gibson or Levine teaches:

1. the border includes a high wear film
2. the inner floor covering presents a high wear film between the inner and outer floor panels;
3. the base comprising two spaced pieces of metal joined together to present an outwardly extending flange;
4. the inner floor covering presents a high wear film between the inner and outer floor panels.

METHOD CLAIMS

Examiner rejected claims 13-20 as being unpatentable over Gibson. In particular Examiner stated that Gibson discloses the method of producing a floor panel including the steps of cutting an outer panel, applying adhesive thereto, **cutting an inner panel** so as to form a border, applying an adhesive thereto, securing the inner and outer panels together and to the base. In this regard Agent for Applicant respectfully states that Gibson does not teach cutting inner and outer panels and securing the inner and outer panels together to the base. Gibson particularly states:

in accordance with the present invention, a **single** piece of floor covering 12 is adhesively bonded to the body 13 and is provided with an edge trim 14 in a manner best illustrated in Figure 4 (see col. 3, lines 18-20)

Gibson does not teach the use of **two pieces** of floor covering which are adhesively bonded to the top layer of an upper piece of metal.

Moreover Gibson does not disclose the method of producing a floor panel including the steps of cutting an outer panel, applying adhesive thereto, and cutting an inner panel so as to form a border. Gibson teaches forming a border by:

...the surface layer of protective material and the layer of decorative paper are **cut away** along the edge of the floor covering to expose the inner layers and provide a contrasting colour integral border **within** the floor covering material itself (see col. 1, line 67; col. 2, line 2).

Furthermore Examiner stated that although Gibson does not teach the use of jigs, jigs are old and very well known in the art for their use in flooring systems. Accordingly Examiner stated that it would have been obvious to one having ordinary skill in the art at the time the invention was made that the inner and outer panels are held in a jig prior to and after being secured thereto and that the assembly of the inner and outer panels to the base panels are performed by positioning in a jig.

In this regard Agent for Applicant respectfully states that Gibson does not teach the use of a jig. Moreover the invention described by Gibson generally relates to floor coverings as illustrated in U.S. Patent No. 3,548, 559 (see col. 1, lines 38-40) of Gibson. U.S. Patent No. 3,548,559 is the Levine patent cited by the Examiner which Levine patent relates to:

upper and lower sheets 2 and 6 are preferably metal (see col. 1, lines 64-66)

Moreover Gibson generally relates to a method where a single piece of floor covering (see col. 3, lines 18-19) are scarfed or cut away along its edge at 33 (see col. 3, lines 45-46) and where the preferred method of producing the panel is to form the scarf along the edges of a piece of floor covering which is slightly oversized (see col. 4, lines 15-18). Furthermore Gibson teaches that such oversized pieces are then adhesively bonded to the upper surface of the panel base and is trimmed back to be flush with the edge of the panel base (see col. 4, lines 18-20). This method is different from that disclosed and claimed by Applicant.

Furthermore since Gibson teaches the **scarf** along the edges of **a** piece of floor covering which is slightly oversized and that such oversized piece is then adhesively bonded to the **upper surface** of the panel base and trimmed back. Such reference to the panel base refers to base panel 13 which consists of the upper and lower metallic surface of the base panel as taught by the prior art patent 3,548,559. In other words the Gibson method is entirely different from that taught by the Applicant.

Furthermore Gibson does not teach jigs which include suction in order to stabilize the item being retained therein or rams for removal of the item.